

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 19, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 04020A

PROPOSAL: To operate a limited landfill, as defined in chapter 8.32.010 L.M.C., as permitted under Chapters 27.43.040(p) and 27.63.560 of the L.M.C. and in accordance with the requirements of Chapter 8.32.270 L.M.C..

LOCATION: SW 27th and W "O" Streets

LAND AREA: 5.3 acres, more or less

EXISTING ZONING: H-3 Highway Commercial

CONCLUSION: This is a request for a special permit to operate a limited landfill. SP#04020 originally permitted this use for a length of 12 months, this request is a renewal of the use to operate for a length of 24 months from the date of approval of this request. The request is generally in conformance with the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

A portion of Lot 105 and 106 I.T, in the NE 1/4 of Section 29, T10N, R6E., Lancaster County, Nebraska. Metes and bounds description attached.

EXISTING LAND USE:

Currently used as a limited landfill.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-3 Commercial
South:	Storage and rail yard	H-3 and I-1
East:	Motel and Commercial	H-3 Commercial
West:	Truck sales/commercial	H-3 Commercial

HISTORY:

May 26, 2004 Planning Commission approves SP#04020 for the operation of a limited landfill for a period of 12 months.

COMPREHENSIVE PLAN SPECIFICATIONS:

F25 - The Comprehensive Plan designates this area as Commercial and Industrial.

UTILITIES: Utilities available. This is in the City Limits.

TRAFFIC ANALYSIS: West "O" Street is 4 lane U.S. Highway #6.

PUBLIC SERVICE: This area is served by the Lincoln Public School District, the Lincoln Fire District, and is in the LES service area.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. There is no flood plain on the site.

ANALYSIS:

1. This is a request for a special permit to continue the operation of a limited landfill at SW 27th Street and W "O" Street.
2. According to the site plan, the landfill site will be located immediately south of O Street on the property, in the same location as the previously approved landfill.
3. Section 27.63.560 - Permitted Special Use: Limited Landfills states the following;

"A limited landfill, in which only building rubbish and demolition debris are disposed of, may be allowed by special permit in the I-I, H-3, and AG districts.

Construction and operation of the limited landfill shall comply with Chapter 8.32 of the Lincoln Municipal Code and any other federal, state, and local regulations and design standards which apply.

The application for said permit shall contain the following:

(a) A site plan showing the location of the fill area, circulation, equipment storage, and an operation plan showing existing and proposed final elevations, topography, drainage, vegetation and cover depth.

(b) Type and estimated volume of the building rubbish and demolition debris to be placed in the landfill.

c) A statement of whether it will be a private limited landfill used exclusively by the applicant or a public limited landfill, operated by the applicant and receiving materials from others; including the proposed days and hours of the week the landfill will be in operation; and the estimated traffic volume to the site.

(d) A certified copy of the names and addresses of the last known owners of the property and occupied buildings within 300 feet of the location for which a permit is requested."

4. The site plan and supplementary information provided with the application includes all the information required under 27.63.560 as follows;

a) That fill material will be only concrete, brick, and similar type of material. The site plan shows access point and grading contours.

b) The site will have an estimated 95,000 cubic yards of rubble.

c) The site will be operated extensively for the applicant and will receive materials from others.

d) The landfill will be operated from 7:30 a.m. to 6:00 p.m. Monday through Saturday. Estimated truck traffic is thirty (30) trucks per week.

e) The final cover will be two feet of soil, re-seeded with grass.

d) A certified list of owners was provided.

5. This property lies within the West O Street Redevelopment Area.
6. An NPDES permit is required if more than one acre is disturbed.
7. The Lincoln/Lancaster County Health Department notes that air pollution regulations will apply.
8. The Public Works Department requests the applicant provide documentation that the State Department of Roads approves of the connection and extension of the 36" storm sewer and grading within right-of-way along US Highway 6 along the frontage of this lot.

9. The site plan shows grading outside of the boundary of the proposed special permit on Lots 67 and 105. The applicant must submit documentation that the adjoining property owners agree to the grading proposed on Lots 67 and 105 as shown on the site plan. If approval cannot be gained then the site plan must be revised to show no grading outside the boundaries of this permit.
10. The applicant should be subject to all conditions applied by the original permit as noted below.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits a limited land fill operation for a period of 24 months from the date of approval by Planning Commission. The operation shall be limited to the operating hours of 7:30 AM to 6:00 PM, Monday through Saturday.

General Conditions:

3. Before operating the limited landfill:
 - 3.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 3.1.1 Receive required NPDES permit.
 - 3.1.2 Provide to the City documentation that states that the State Department of Roads approves of the connection and extension of storm sewer and grading within the right-of-way of US Highway 6 along the frontage of this lot.
 - 3.1.3 Provide to the City documentation that states that the owners of Lots 67 and 105 agree to the grading on their property as shown on the site plan.
 - 3.2 The limited landfill shall meet all local, state, and federal regulations.
 - 3.3 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before operation of this limited landfill all development and construction is to comply with the approved plans.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

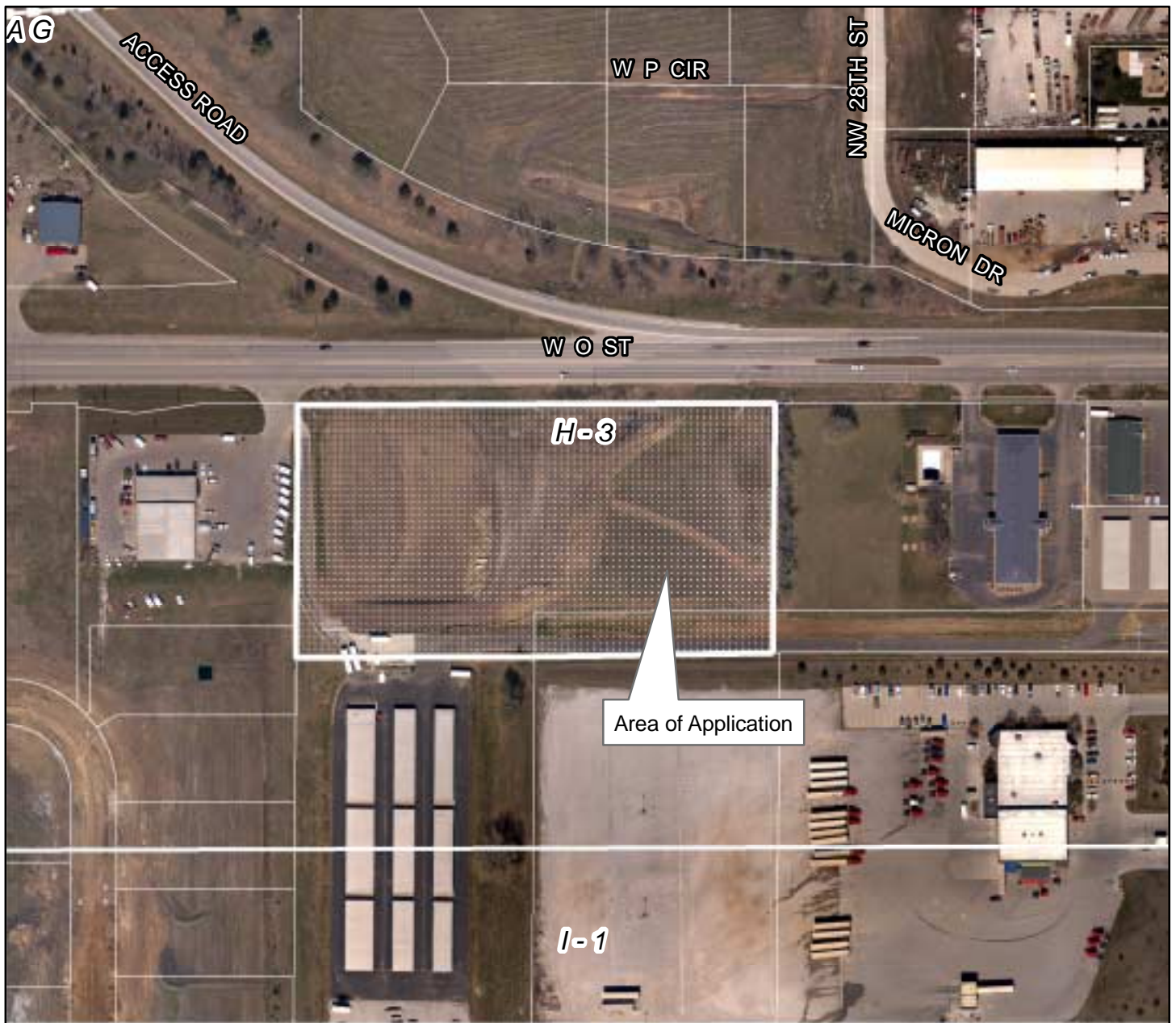
Joe Rexwinkle Planner

DATE: July 9, 2006

APPLICANT: Orchid Enterprises, LLC
1404 N. 150th Street
Omaha, NE 68154
(402) 493-6668

OWNER: same as above

CONTACT: Michael J. Rierden
645 M Street, Suite 200
Lincoln, NE 68508
(402) 476-2413



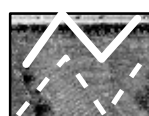
2005 aerial

Special Permit #04020a SW 27th St & W O St

Zoning:

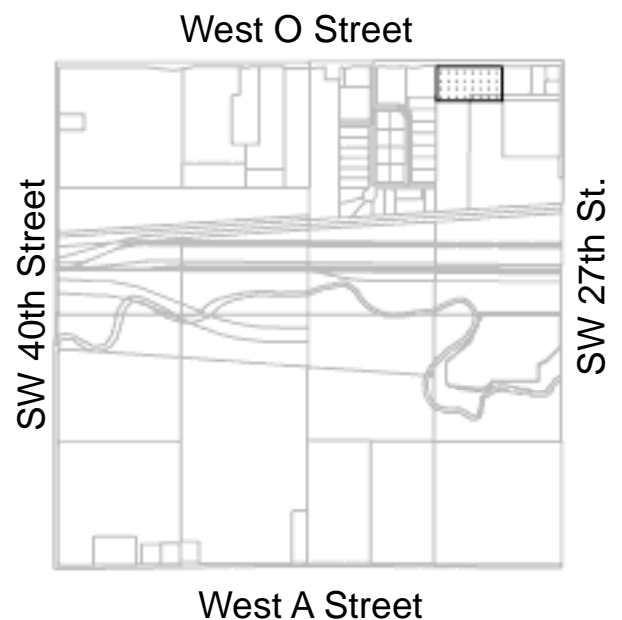
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 29 T10N R06E



Zoning Jurisdiction Lines

City Limit Jurisdiction



04R-147

Introduce: 6-14-04

(Appeal of Planning Commission Action)

RESOLUTION NO. A- 82826

SPECIAL PERMIT NO. 04020

1 WHEREAS, Thomas D. Friedman, on behalf of Orchid Enterprises,
2 L.L.C., has submitted an application designated as Special Permit No. 04020 for
3 authority to operate a limited landfill on property located west of S.W. 27th Street and
4 West O Street, and legally described to wit:

5 A part of Lot 105 I.T. and a part of Lot 106 I.T., located in
6 the Northeast Quarter of Section 29, Township 10 North,
7 Range 6 East of the 6th P.M., Lincoln, Lancaster County,
8 Nebraska, described as follows:

9 Beginning at the northeast corner of said Lot 106 I.T., said
10 point also being the northwest corner of Lot 81 I.T., said
11 point also being 60.00 feet south of the north line of said
12 Northeast Quarter and lying on the south right-of-way line of
13 West O Street, and extending thence south 00 degrees 00
14 minutes 21 seconds west (assumed) on the east line of said
15 Lot 106 I.T., a distance of 300.15 feet to a southeast corner
16 of said Lot 106 I.T., said point being also the southwest
17 corner of Lot 81 I.T. and a northeast corner of Lot 105 I.T.;
18 thence south 00 degrees 02 minutes 30 seconds east on the
19 east line of said Lot 105 I.T., a distance of 59.84 feet to the
20 southwest corner of Lot 93 I.T.; thence south 89 degrees 13
21 minutes 53 seconds west, a distance of 343.15 feet to a
22 point of intersection with the west line of said Lot 105 I.T.,
23 60.00 feet south of the northwest corner of said Lot 105 I.T.;
24 thence continuing south 89 degrees 13 minutes 53 seconds
25 west, a distance of 342.68 feet to a point of intersection with
26 the west line of said Lot 106 I.T.; thence north 00 degrees
27 03 minutes 53 seconds west on the west line of said Lot 106
28 I.T., a distance of 359.73 feet to a point of intersection with
29 the south right-of-way line of West O Street, said point also
30 being the northwest corner of said Lot 106 I.T.; thence north
31 89 degrees 16 minutes 06 seconds east on the north line of
32 said Lot 106 I.T., a distance of 686.83 feet to the point of
33 beginning, containing an area of 5.67 acres;



Status of Review: Active

Reviewed By Alltel

ANY

Comments:

Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

06/15/2006 2:40:16 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

Status of Review: Approved

06/20/2006 4:30:36 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Joe Rexwinkle DATE: June 20, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

RE:

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Limited Landfill

EH Administration SW 27th & 'O' Street

SP #06040

The Lincoln-Lancaster County Health Department has reviewed the special permit application with the following noted:

During the limited landfill operation, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By Planning Department

JOE REXWINKLE

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Complete

06/27/2006 9:25:50 AM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum□□
□

To: Joe Rexwinkle, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Limited Landfill Near Southwest 27th & West "O" Streets. Special Permit #06040
Date: June 27, 2006
cc: Randy Hoskins
□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Special Permit for a limited landfill located near Southwest 27th and West "O" Streets. Public Works has the following comments:

- Provide documentation of State Department of Roads approval of the connection and extension of the 36" storm sewer and grading within the right-of-way along US Highway 6 for the frontage of this lot and agreement with the adjoining property owners for the grading on Lots 67 and 105.
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Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

Status of Review: Active

Reviewed By Urban Development

ANY

Comments:

Status of Review: **Active**

Reviewed By **Urban Development**

ANY

Comments:
